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Adult criminal court statistics, 2008/2009

by Jennifer Thomas

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Symbols

. not available for any reference period
.. not available for a specific reference period
... not applicable
0 true zero or a value rounded to zero
0^s value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded
^{p} preliminary
^{r} revised
x suppressed to meet the confidentiality requirements of the *Statistics Act*
^{E} use with caution
F too unreliable to be published

Adult criminal court statistics, 2008/2009: Highlights

- Adult criminal courts in Canada completed over 390,000 cases in 2008/2009, involving more than one million charges. The number of cases was unchanged from the previous year, but about 3% higher than in 2006/2007. Before then, criminal court caseloads had been declining for a period of four years.

- The amount of time it takes to dispose of a case in adult criminal courts declined recently. In 2000/2001, the median elapsed time for a case to reach completion in the 10 reporting jurisdictions was 101 days, and in 2004/2005 it peaked at 128 days. By 2008/2009, the median fell slightly to 124 days.[1]

- Certain types of cases take longer to process than others, typically those with added complexities, such as multiple charges in a case, serious offences, trials, and the failure of accused persons to make scheduled appearances. For instance, cases involving a trial had twice the median elapsed time (255 days) of those cases where there was no trial (113 days).

- In 2008/2009, the accused person was found guilty in two-thirds (66%) of cases, and 3% of cases resulted in an acquittal. Most of the remaining cases were either stayed, withdrawn, dismissed or discharged.

- A term of probation, which is frequently given in combination with other sanctions, was the most frequently imposed sanction (45% of guilty cases). A term of imprisonment was imposed in 34% of cases, and a fine was given in 30% of cases.

1. Data cover the 10 jurisdictions consistently reporting to the survey since 2000/2001. Excluded are Manitoba, Northwest Territories and Nunavut.

Adult criminal court statistics, 2008/2009

by Jennifer Thomas

In Canada, the Constitution provides the federal government the exclusive authority to legislate criminal laws while the provinces and territories are responsible for the administration of justice within their jurisdiction.

The majority of adult criminal cases that come into the justice system in Canada are dealt with in provincial or territorial level courts. All provinces and territories (with the exception of Nunavut[1]) have also established superior level courts, which deal with more serious offences. For example, superior level courts have absolute jurisdiction over homicide offences and are also used in trials involving a jury.[2]

There are two main themes discussed in the article. First, the characteristics of cases disposed of in adult criminal courts and their outcomes for 2008/2009 are presented. Second, recent trends in the number of cases disposed in adult criminal courts and the amount of time it takes to dispose of cases are discussed, along with the characteristics of lengthy cases.

The analysis in this article is based on data collected from the Integrated Criminal Court Survey (ICCS) and the Adult Criminal Court Survey (ACCS). Data on federal statute charges are collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for the administration of adult criminal courts.

Characteristics of adult criminal court cases, 2008/2009[3]

Five offences represent half of caseload

In 2008/2009, adult criminal courts in Canada disposed of 392,907 cases involving 1,161,018 charges (Table 1).

The most frequently occurring cases were for impaired driving (11%), theft (10%), common assault[4] (9%), failure to comply with a court order (9%) and breach of probation (8%). Combined, these five offences accounted for almost half of all cases disposed of in adult criminal courts across the country.

Accused persons often young and male

Of all adult criminal court cases in 2008/2009, 77% involved a male accused, while 17% involved a female accused. In 6% of cases the sex was not reported. Less than 1% of cases disposed of in 2008/2009 involved a company.

Offences for which males had the highest involvement included sexual assault (98%), other sexual offences (97%), being unlawfully at large (91%), weapons offences (91%) and break and enter (90%). The highest representation of females was found in cases of prostitution (31%), fraud (31%), and theft (30%).[5]

As is the case with police-reported crime data, younger adults are over-represented in court when compared to the age distribution of the adult population.[6] In 2008/2009, 18- to 24-year-olds comprised 12% of the adult population,[7] but accounted for 31% of all cases in adult criminal court.[8]

Similarly, persons 25 to 34 years of age accounted for 17% of the adult population and 28% of the total cases disposed in adult criminal court. (Table 2) The over-representation of persons between the ages of 18 and 34 is most prominent among homicide (71%), robbery (76%) and attempted murder (66%) cases. However, for some offence types the peak age occurs later. Offences where the accused was 35 years of age or older in the majority of cases included criminal harassment (59%), other sexual offences (59%), prostitution (59%), and sexual assault (57%).

Case outcomes

Two-thirds of cases had a finding of guilt

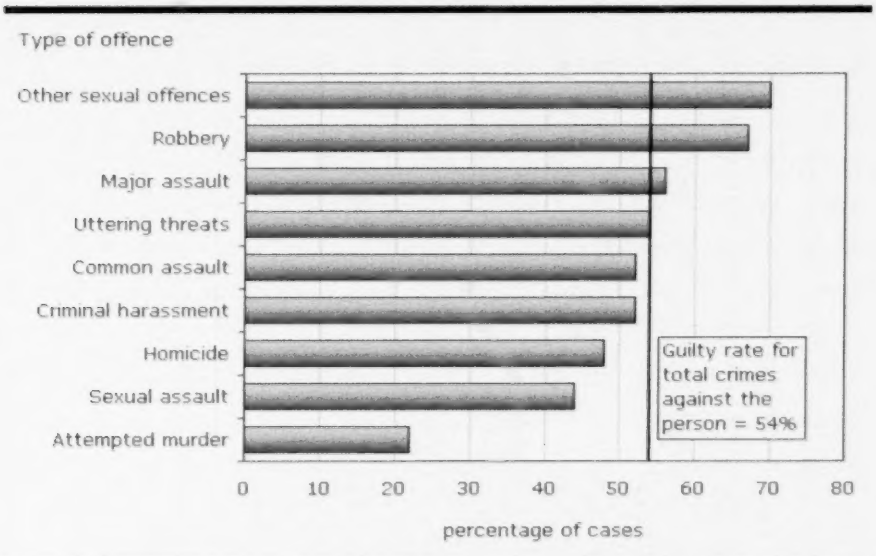
The accused was found guilty in two-thirds (66%) of cases disposed in adult criminal court in 2008/2009.[9] This proportion has been stable over the last few years, however, it is slightly higher than in 2003/2004 (63%) (Table 3).

Three out of every 10 cases (29%) were resolved by being stayed, withdrawn or dismissed. Three percent of the cases resulted in the acquittal[10] of the accused, and 1% of cases had other decisions.

Overall, cases involving *Criminal Code* traffic offences resulted in the highest percentage of guilty decisions (80%) in 2008/2009, followed by administration of justice offences (73%) and crimes against property (67%).

Among the different crimes against the person, there were considerable differences in the percentage of cases resulting in a guilty finding, from 22% for attempted murder to 70% for other sexual offences (Chart 1).

Chart 1
Cases found guilty with a crime against the person as the most serious offence in the case, Canada, 2008/2009



Note: Found guilty cases include absolute and conditional discharges. Coverage for Adult Criminal Court Survey data as at 2008/2009 is estimated at 95% of adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Overall, the percentage of guilty cases was highest in New Brunswick (80%) and Newfoundland and Labrador (78%), and lowest in Ontario (60%), Manitoba (65%) and Alberta (65%) (Table 3).

There are several possible factors that influence variations among jurisdictions. First, the use of pre-court diversion programs and alternative measures affects the number and types of cases that proceed to court. Second, the use of stays and withdrawals[11] will have an impact on the percentage of cases in which a finding of guilt is recorded. For example, 38% of cases were stayed or withdrawn in Ontario compared to 10% in Quebec and 16% in New Brunswick. Third, the use of pre-charge screening by the Crown, which occurs in New Brunswick, Quebec and British Columbia, may also affect the percentage of guilty findings through increased vetting of charges.

Sentencing in adult criminal courts

Text box 1
Guiding principles of sentencing

At sentencing, the court seeks to impose a sentence that reflects the principles of the sentencing process, as outlined by section 718 of the *Criminal Code*. In arriving at a sentence, the court weighs many factors, such as the extent of harm inflicted upon victims, the number and nature of previous convictions and the circumstances surrounding the commission of the offence. In addition, the court must consider the principles of sentencing which include but are not limited to, factors relating to the protection of society, the rehabilitation of offenders and crime prevention. Furthermore, judges must respect related provisions such as prescribed mandatory minimum penalties for offences such as: murder; manslaughter; sexual assault with a weapon; making, distributing, possessing or accessing child pornography; impaired driving, and a number of weapons offences.

In 2008/2009, probation was the most frequent sentence, imposed in 45% of all guilty cases. Custody was imposed in 34% of cases, a fine in 30%, a conditional sentence in 4%, and restitution in 3%[12],[13] (Table 4). These proportions have remained relatively stable in recent years.

Custody sentence frequently ordered in cases involving offences against the administration of justice

In 2008/2009, almost 90,000 adult criminal court cases resulted in the accused receiving a sentence to custody. Upon conviction, cases where the accused was found guilty of being unlawfully at large were most likely to result in a sentence to custody (82%). While these are relatively low volume offences in court, they are considered serious (Table 4).

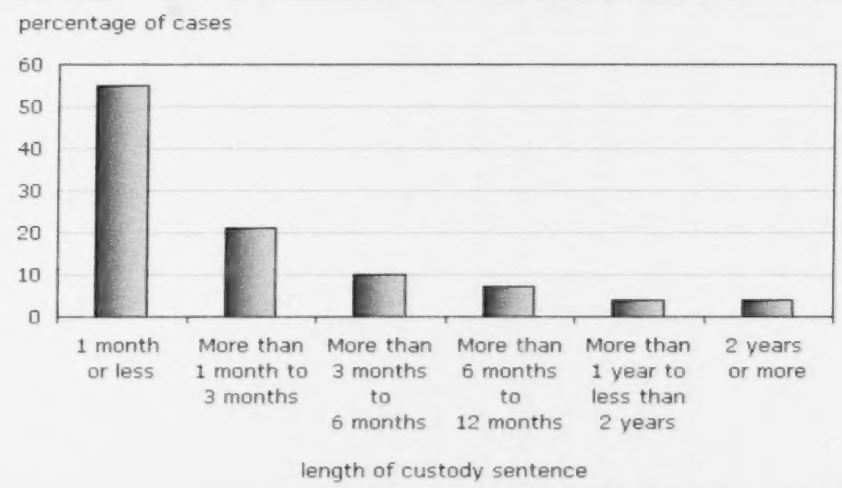
The crimes against the person category had a lower proportion of guilty cases receiving a sentence to custody (32%) than did the crimes against property category (40%). Common assault represented a large proportion (38%) of guilty crimes against the person cases, but had a relatively low outcome of custody (15%), deflating the overall proportion of cases receiving custody. A larger proportion of the more serious cases in the category resulted in a custodial sentence. For example, cases in which the accused was guilty of attempted murder (81%), homicide[14] (76%) and robbery (76%) were the most likely to receive a custodial order (Table 4).

There are several offences in the crimes against property category that frequently resulted in custody orders. For example, in about half of break and enter cases (57%) and possession of stolen property cases (49%), the guilty accused was ordered to serve a custodial sentence (Table 4). Persons committing these property offences tend to have longer criminal histories, which after the seriousness of the crime, is one of the most important factors considered by the court when determining the appropriate sentence.[15]

Most imprisonment terms are relatively short

Over half (55%) of all custodial sentences imposed in 2008/2009 were one month or less, while an additional one-third (31%) were for periods from greater than one month to up to six months.[16, 17] Sentences that were two years or longer were imposed in 4% of guilty cases with custody[18] (Chart 2).

Chart 2
Guilty cases by length of custody sentence, Canada, 2008/2009



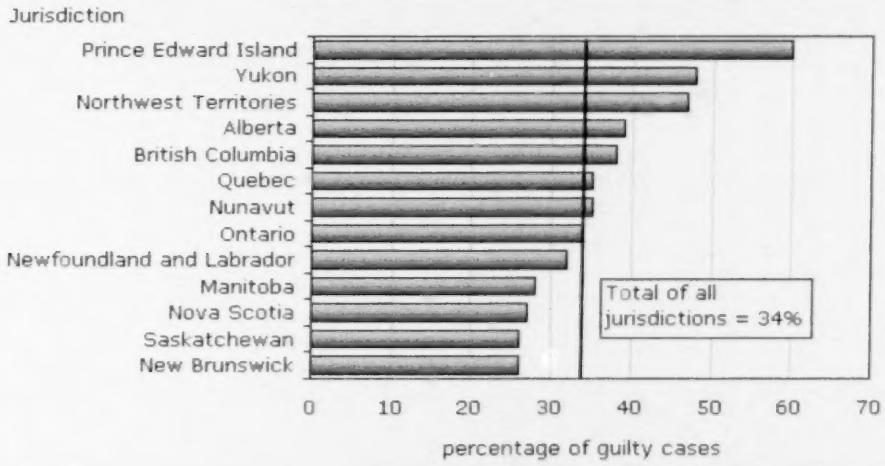
Note: Due to rounding, percentages may not add to 100. Excludes 4% of cases where the length of custody sentence was unknown (3,509 cases). Coverage for Adult Criminal Court Survey data as at 2008/2009 is estimated at 95% of adult criminal court caseload.

In 2008/2009, the median length of custodial sentences was 30 days (Table 5). Although the median length of custody orders for many types of offences varied little from the overall median, there are some notable exceptions. Although low in numbers, in cases where the accused was sentenced to custody for homicide and attempted murder, the median sentence lengths were much higher than for all other offences (5 years for homicide and about 4.5 years for attempted murder).[19] By comparison, the shortest median custodial sentences were for cases where the accused was ordered custody for failure to appear (6 days), disturbing the peace (6 days), failure to comply with order (7 days), drug possession (7 days) and offences against the *Youth Criminal Justice Act (YCJA)*[20] (7 days).

Use of imprisonment varied considerably across the country

The proportion of cases sentenced to custody varies across the country. In 2008/2009, Prince Edward Island had the highest proportion of guilty cases (60%) resulting in a term of custody, while the lowest proportions were in New Brunswick (26%), Saskatchewan (26%), Nova Scotia (27%), and Manitoba (28%) (Chart 3).

Chart 3
Guilty cases sentenced to custody for the most serious offence in the case, by jurisdiction, 2008/2009



Note: Information from Quebec's municipal courts (which account for approximately one-quarter of federal statute charges in that province) are not yet collected. Coverage for Adult Criminal Court Survey data as at 2008/2009 is estimated at 95% of adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

This variation in the use of custody reflects the influence of several factors. First, the mix of offences being sentenced can vary from jurisdiction to jurisdiction. If a particular jurisdiction has a higher than average percentage of the more serious crimes, it may also have a higher than average overall proportion of cases receiving a custodial sentence.

Second, courts in different parts of the country may administer the use of custody in different ways. In Prince Edward Island, for example, offenders are frequently sent to prison for their first impaired driving offence.[21] Since impaired driving accounts for 28% of guilty cases in the province, the overall proportion of cases sentenced to prison in Prince Edward Island will be higher than the national average. Of all impaired driving cases in which the accused was found guilty in that province, 90% resulted in sentence to custody. This is by far the highest in Canada followed by Newfoundland and Labrador at 20%.

Probation likely for crimes against the person

In 2008/2009, sentences for crimes against the person were most likely to include a term of probation (Table 4). Three-quarters (75%) of guilty cases in this category received probation, compared to 57% of offenders guilty of a crime against property. A person who is found guilty can receive a term of custody along with a probation order. Of the almost 38,000 crimes against the person cases that received probation in 2008/2009, 28% were also sentenced to a term of custody.

In 2008/2009, the most common probation length was greater than six months to one year (51% of guilty cases with probation).[22] About one-third (31%) of cases had lengths of greater than one year to two years in length. (The statutory limit on a term of probation is three years.) The median length of probation orders (about a year) has been stable since the beginning of collection of adult criminal court data in 1994/1995.

Fine sentences have slightly decreased, but the amounts are getting higher

Since 2000/2001, the imposition of fine sentences has been decreasing. In 2008/2009, 30% of guilty cases resulted in a fine, down from 38% in 2000/2001.[23] However, the median amount of fine, which was steady at $500 from 2000/2001 to 2006/2007, increased to $600 in 2007/2008 and 2008/2009. (Table 6)

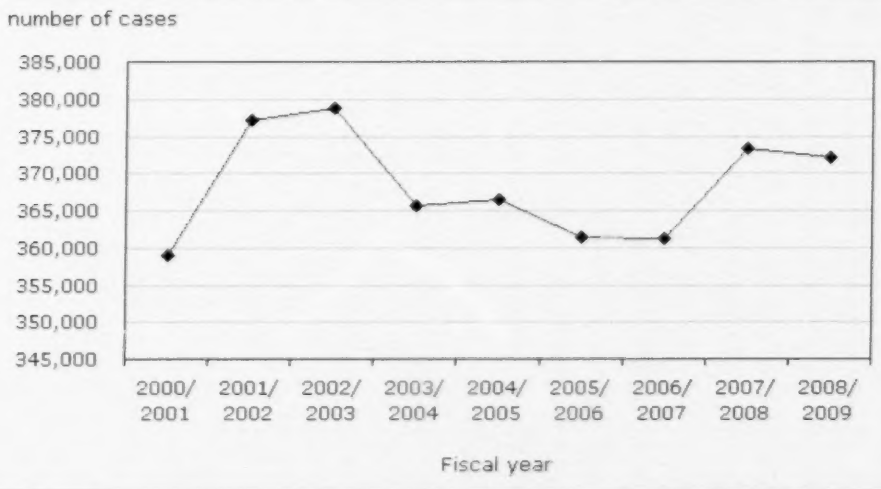
One factor that may have contributed to changes in the imposition of fines is Bill C-41 [CCC s. 734(2)]. This legislation, which came into force September 1996, amended the *Criminal Code* to direct judges to impose fines only after ascertaining whether the offender has the ability to pay. Over the longer term, this amendment may have encouraged greater use of probation in lieu of fines for offenders that would otherwise be at risk of incarceration due to default of fine payment.

In 2008/2009, fines were frequently imposed in cases where the accused was found guilty of impaired driving (87%), a residual federal statute such as the *Income Tax Act* and *Excise Act* (53%), and drug possession (52%) (Table 4).

Case processing in adult criminal courts

Following a 4-year downward trend in the number of cases disposed of in the 10 reporting jurisdictions beginning in 2003/2004, the number of cases disposed increased by 3% in 2007/2008 and then remained relatively stable the following year (Table 7), (Chart 4).

Chart 4
Trend in total completed adult criminal court cases, 10 jurisdictions, 2000/2001 to 2008/2009



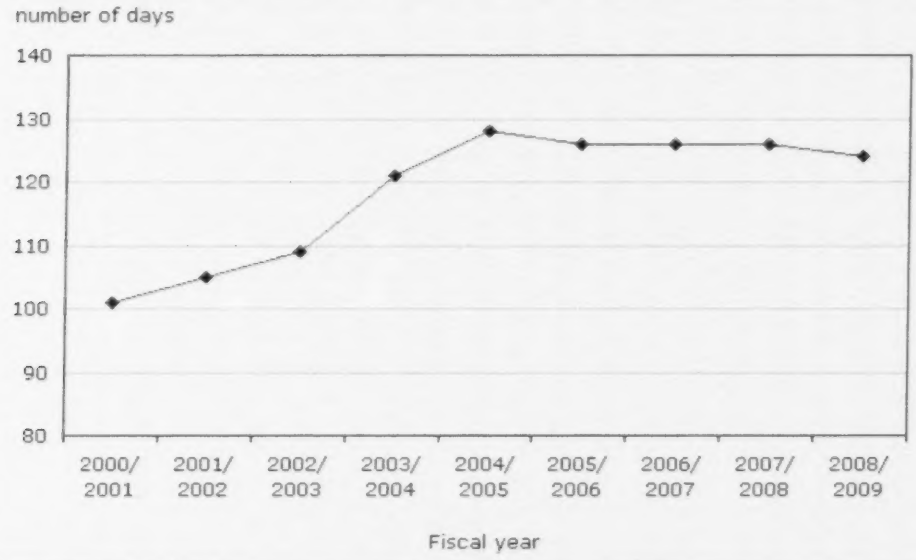
Note: This chart does not include data from Manitoba, Northwest Territories and Nunavut. Coverage for Adult Criminal Court Survey data for trend analysis from 2000/2001 to 2008/2009 (ten jurisdictions) is estimated at 90% of adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Even during the period of declining numbers of cases, the number of charges being processed by the courts increased annually, with a 22% increase between 2000/2001 and 2008/2009. As a result, the average number of charges per case grew from 2.5 charges per case in 2000/2001 to 2.9 in 2008/2009.

Cases in adult criminal courts are starting to get shorter

The amount of time required to dispose of a case in adult criminal courts declined recently. In 2000/2001, the median elapsed time for a case to reach completion in the 10 reporting jurisdictions was 101 days, and in 2004/2005, it peaked at 128 days (Table 8). By 2008/2009, the median fell slightly to 124 days[24] (Chart 5).

Chart 5
Trend in median elapsed time to case completion in adult criminal courts, 10 jurisdictions, 2000/2001 to 2008/2009



Notes: This chart does not include data from Manitoba, Northwest Territories and Nunavut. Coverage for Adult Criminal Court Survey data for trend analysis from 2000/2001 to 2008/2009 (ten jurisdictions) is estimated at 90% of adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Text box 2
Timely court processing

An accused's right to be brought to trial in a timely manner is a fundamental principle within the Canadian criminal justice system, which was reaffirmed with the 1990 Supreme Court decision in R. v. Askov.[25]

Preparations for each case commence in the court registry with the scheduling of the first court appearance, and continue with further co-ordination of judicial resources throughout the criminal court process. There are a variety of factors, many of which are not under the direct control of the courts, which affect both case management and processing. Such factors include: the volume of cases being processed by a court; the complexity of cases; the types of offences being prosecuted; issues related to the co-ordination and availability of various participants within the criminal justice process; lawyers' decisions on the most appropriate course of action for their clients; and accused failing to appear in court.

What types of cases take longer to process?26

Cases with lengthier elapsed times often possess certain characteristics. The following analysis describes a few of them.

Multiple-charge cases take longer to process than single-charge cases

In 2008/2009, more time was required to process cases with multiple charges than those with one charge. The median elapsed time for multiple-charge cases was 152 days versus 89 days for single-charge cases (Chart 6). Furthermore, the median elapsed time to case completion increased with the number of charges in the case. In cases with 2 charges, the median time to case completion was 127 days, while it was 149 days for 3-charge cases and 161 days for 4-charge cases. For cases that had 5 or more charges, the median elapsed time was 191 days.

Elapsed times vary by the type of offence27

Some offences take longer to resolve than others. In 2008/2009, of all types of offences, homicide cases took the longest to reach completion, with a median of 345 days. Similarly, cases that involved sexual assault (304 days), other sexual offences such as sexual interference and sexual exploitation (280 days), attempted murder (274 days) and drug trafficking (223 days), took longer to resolve (Table 9).

In contrast, four of the five most common offences for which accused persons appeared in court (theft, failure to comply with a court order, being unlawfully at large, and breach of probation) were among the shortest cases to resolve in court. The shortest median elapsed times were for offences of being unlawfully at large (25 days), breach of probation (60 days) offences under the *YCJA*[28] (63 days), disturbing the peace (78 days), theft (78 days) and failure to comply with a court order (81 days).

Trial cases take longer to complete than non-trial cases

By their very nature, trial cases are more time and resource-intensive, often requiring more appearances to present evidence, hear the testimony of witnesses, and review victim impact statements. In 2008/2009, the median elapsed time for trial cases was 255 days to complete versus 113 days for non-trial cases.[29] The fact that the majority of cases (91%) are completed in court without proceeding to trial mitigates the impact of trial cases on overall elapsed times (Chart 6).

Non-trial cases where the accused pleaded guilty had the shortest median elapsed time (97 days). The accused pleaded guilty in 59% of all cases.

Of the cases that went to trial in 2008/2009, about 6 out of 10 (61%) were found guilty and the remainder were acquitted. The median elapsed time for cases resulting in an acquittal was about 1.4 months longer than trial cases with a guilty finding (280 days versus 239 days). However, acquittals only account for 3% of total cases.

"Collapsed cases" also have longer elapsed times

Cases that proceed without a trial and result in a finding other than guilt or acquittal are often referred to as "collapsed cases" in that there may be insufficient evidence to proceed with the charges against the accused or evidence brought forth prior to trial suggests a probable finding of non-guilt.[30] Collapsed cases include cases that were withdrawn, dismissed, discharged or stayed.

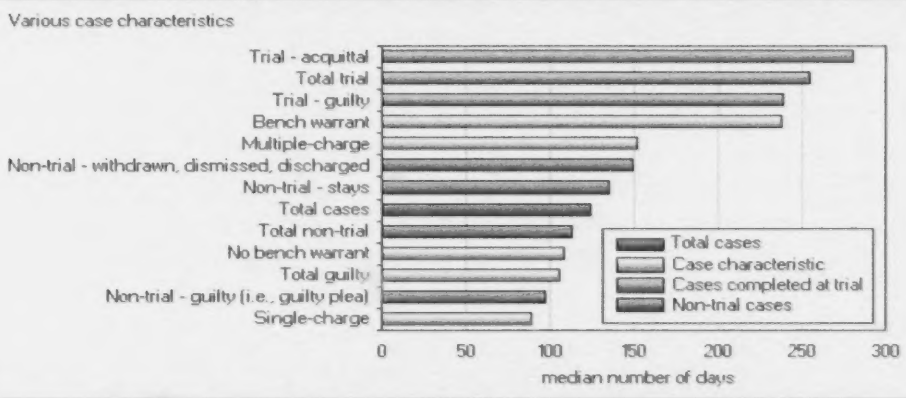
In 2008/2009, cases that were withdrawn, dismissed or discharged had a median elapsed time of 149 days. For cases that resulted in a stay, the median was 135 days (Chart 6).

Bench warrants increase case elapsed time

Bench warrants are arrest warrants that are usually issued when an individual fails to attend court, creating a situation where the court is unable to proceed with the case. Because it can often take a considerable amount of time to find and re-apprehend the accused, such cases can experience extensive processing delays.

In 2008/2009, 13% of completed cases had a bench warrant issued against the accused at some point during the court process. Cases with a bench warrant had a median processing time of 238 days, twice as long as cases without a bench warrant (108 days) (Chart 6).

Chart 6
Median elapsed time to case completion, various case characteristics, adult criminal courts, Canada, 2008/2009



Note: Information from Quebec's municipal courts (which account for approximately one-quarter of federal statute charges in that province) are not yet collected. Coverage for Adult Criminal Court Survey data as at 2008/2009 is estimated at 95% of adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Text box 3
Identifying factors that lead to delays in court process

The characteristics presented in this article describe some factors that are associated with lengthier cases heard in adult criminal courts,[31] but they do not explain unreasonable delays in case processing due to system inefficiencies. Recently, justice officials across the country have been studying factors that potentially lead to delays in various stages of the court process and have begun implementing action plans to introduce efficiencies and reduce unreasonable delays while not compromising the quality of justice being delivered.[32]

Through research and functional initiatives in Canada and other countries (such as Australia, New Zealand, Scotland, and other European countries), a number of reforms have been identified that have the capacity to enhance the efficiency of the criminal justice process. Among others, the following have been identified as possible areas where efficiencies or improvements could be created in the court process: automating and monitoring case scheduling and management; early involvement of the Crown in screening police-laid charges; encouraging diversion and early disposal of cases when appropriate; availability of legal aid; promoting early disclosure of evidence by the Crown; and establishment of problem-solving courts (i.e., specialized courts dealing with unique types of cases or accused such as mental illness courts, drug courts, family or domestic violence courts).[33]

Summary

In recent years the characteristics of cases heard in adult criminal courts in Canada and their outcomes have not changed greatly. Between 2003/2004 and 2006/2007, there had been a general trend towards lengthier, more complex cases. However, the amount of time it takes to dispose of a case in adult criminal courts declined recently.

Courts do not have control over the types of cases that they hear, and some types of cases take longer to process than others. Cases involving more than one charge tend to take longer than single-charge cases, as do cases involving more serious offences such as homicide, and cases involving a trial or bench warrant. Lengthy cases do not necessarily imply delays in the court process. However, unreasonable delays can occur, and acknowledging this, provinces and territories have begun exploring and implementing efficiencies within the system.

Methodology

This article is based on case characteristics data from the Integrated Criminal Court Survey (ICCS) and Adult Criminal Court Survey (ACCS). Data on federal statute charges are collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for adult criminal courts. The surveys consist of a census of *Criminal Code* and other federal statute charges dealt with in adult criminal courts. The individuals involved are persons 18 years or older at the time of the offence, companies, as well as youth who have been transferred to adult criminal court.[34]

Primary unit of analysis

The Integrated Criminal Court Survey (ICCS) is a relatively new data collection strategy, designed to integrate the collection of adult and youth court data. Data contained in this report represent the adult criminal court portion of that survey.

The primary unit of analysis is the case. The concept of a case changed for the 2006/2007 release of data. The new definition attempts to more closely reflect court processing. It combines all charges against the same person having one or more key overlapping dates (date of offence, date of initiation, date of first appearance, date of decision, date of sentencing) into a single case. The former definition (used in releases prior to October 2007) combined all charges against the same person disposed of in court on the same day into a case. This tended to undercount the number of charges in a case, over-count the number of cases and underestimate the length of time required to process a case through court because not all charges are necessarily disposed of on the same day. All data, including years prior to 2006/2007 have been re-processed using the new case definition so that they are comparable.

The impact of this change is noticeable in the reduction of case counts as well as conviction rates for some jurisdictions, where certain administrative practices (e.g., use of stays, relays, withdrawals, transfers, etc.) may have resulted in multiple cases against an accused using the previous end-date definition.

Most serious offence and decision rules

When a case has more than one charge, it is necessary to decide which charge will be used to represent the case. In such multiple-charge cases, the "most serious decision" rule is applied. Decisions are ranked from the most to the least serious as follows: 1) guilty, 2) guilty of a lesser offence, 3) acquitted, 4) stay of proceeding, 5) withdrawn, dismissed and discharged 6) not criminally responsible 7) other, 8) transfer of court jurisdiction.

In cases where two or more offences have resulted in the same decision (e.g., guilty), the "most serious offence" rule is applied. All charges are ranked according to an offence seriousness scale, which is based on the average length of prison sentence imposed on guilty charges between 2002/2003 and 2006/2007. If two charges are tied according to this criterion, information about the sentence type (e.g., prison, probation, and fine) is considered. If a tie still exists, the magnitude of the sentence is considered.

Coverage

In 2008/2009, criminal courts in all provinces and territories reported provincial court data to the ICCS/ACCS. In addition, all jurisdictions with the exception of Quebec, Ontario, Manitoba and Saskatchewan reported superior court data to the survey.

Some limitations on coverage of the surveys should be noted. Data from the Northwest Territories are not available for 1996/1997 and 2000/2001 to 2003/2004. Manitoba began reporting to the ICCS in 2005/2006. Information from Quebec's municipal courts (which account for approximately one-quarter of *Criminal Code* charges in that province) is not yet collected. The current coverage represents approximately 95% of the national adult criminal court caseload.

The absence of data from four superior court jurisdictions (noted above) may result in a slight underestimation of the severity of sentences imposed across Canada because some of the most serious cases, which are likely to result in the most severe sanctions, are processed in superior courts. There may also be slight underestimation of case elapsed times across Canada because more serious cases may require more appearances and take more time to complete.

Note concerning data revisions

Data for 2008/2009 currently do not account for cases that were pending at the end of the reference period and have no subsequent activity for a full year. The ICCS deems these cases as complete in the following reference period and these "updates" will be reported in the 2009/2010 release of data.

Additionally, CCJS continues to make updates to the offence library used to classify offence data sent by the provinces and territories. These improvements have resulted in minor changes in the counts of charges and cases as well as the distributions by type of offence.

Data for 2006/2007 and all previous years presented in this article have been revised to account for these updates. For example, as a result of the updates, adult criminal court completed case counts in Canada for 2006/2007 increased by about 2% from previously reported data. Assuming consistent proportions of inactivity from year to year, it should be noted that 2008/2009 case counts are likely under-reported by a similar percentage due to the new update process in ICCS. The effect of these updates varies by jurisdiction (see text table 1).

Text table 1
Cases disposed in adult criminal courts, Canada, provinces and territories, 2006/2007–originally published and updated figures

Province and territory	2006/2007		Impact of updates
	Originally published data	Revised with updates	
	number of cases		percent
Total	**372,084**	**380,506**	**2.3**
Newfoundland and Labrador	4,765	4,808	0.9
Prince Edward Island	1,332	1,424	6.9
Nova Scotia	11,685	11,745	0.5
New Brunswick	7,533	7,657	1.6
Quebec	66,819	68,041	1.8
Ontario	147,424	149,380	1.3
Manitoba	16,230	16,564	2.1
Saskatchewan	17,390	17,654	1.5
Alberta	51,144	54,658	6.9
British Columbia	44,289	44,906	1.4
Yukon	898	902	0.4
Northwest Territories	1,053	1,238	17.6
Nunavut	1,522	1,529	0.5

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Notes

1. Nunavut Court of Justice deals with both territorial and superior court matters.

2. For information on the organization of courts in Canada, see the Department of Justice Canada website at http://canada.justice.gc.ca/eng/dept-min/pub/ccs-ajc/page3.html (accessed March 19, 2010).

3. Data in this section cover provincial/territorial level courts for all 13 provinces and territories, as well as superior level courts for 8 jurisdictions. For more information on survey coverage, see the Coverage section under Methodology.

4. There are three levels of assault in the *Criminal Code*. Common assault (Assault Level 1, s. 266) is the least serious of the three levels. A 'common' assault has been committed when an individual intentionally applies force or threatens to apply force to another person, without that person's consent. Major assault is an offence category that includes the higher levels of assault in the *Criminal Code*: assault with a weapon (Assault Level II, s. 267), aggravated assault (Assault Level III, s. 268), and other assaults (e.g. assaulting a police officer, and unlawfully causing bodily harm).

5. Cases where the sex of the accused was unknown have been removed.

6. Age represents the offender's age at the time that the offence was alleged to have been committed.

7. Population estimates as of July 1, 2008 for adults in Canada (Source: Statistics Canada, Demography Division).

8. Excludes cases where age of the accused was unknown and cases against companies.

9. Includes absolute and conditional discharges. After a guilty decision is rendered, the court may discharge the accused absolutely or on conditions specified in a probation order (*Criminal Code*, s.730).

10. In Newfoundland and Labrador, the terms 'acquittal' and 'dismissed' are used interchangeably. This results in an undercounting of acquittals in that jurisdiction. In some jurisdictions, the number of acquittals may be over-reported due to administrative practices.

11. Cases where the accused was referred to an Alternative Measures Program are included in this category. If completed successfully, there is no conviction recorded against the accused.

12. Cases can have more than one sentence. Therefore, sanctions are not mutually exclusive and will not add to 100%.

13. Conditional sentencing data are not available for Quebec.

14. First and second degree murder cases are under the exclusive jurisdiction of superior courts. In jurisdictions not reporting superior courts data, the final decisions in these cases will be a transfer to another court level. This leads to an under-estimate of the percentage of such cases resulting in the accused being found guilty.

15. See M. Thomas, H. Hurley, and C. Grimes. 2002. "Pilot analysis of recidivism among convicted youth and young adults–1999/2000." *Juristat*. Statistics Canada Catalogue no. 85-002-XIE. Vol. 22, no. 9. Ottawa.

16. Excludes cases with a prison sentence, but unknown length.

17. Time in custody prior to sentencing is sometimes taken into consideration when imposing a sentence. The length of time in custody prior to sentencing and the extent to which it influences the sentence imposed are not available from the ACCS.

18. Percentages do not add to 100 due to rounding.

19. The custodial sentence lengths for homicide are under-reported due to a couple of factors. Data on time served in remand awaiting and during trial for which the accused may be given credit, are not available from any jurisdiction at this time (this is true for all other offences as well). Also, the absence of superior court data from 5 jurisdictions likely has an impact on length of custodial sentences for murder and infanticide in those jurisdictions (Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan). This is due to the fact that superior courts have absolute jurisdiction over cases involving murder and infanticide.

20. Although the *YCJA* is legislation governing criminal justice of young persons, there are several offences in the Act under which an adult can be charged such as: s. 136(a) inducing a young person to leave unlawfully a place of custody, s. 136(c) harbouring a young person who has left a place of custody, s. 136(d) inducing or assisting a young person to breach or disobey a term or condition of a youth sentence, etc.

21. The minimum sentence for a first offence of impaired driving is a fine of not less than $1,000 (C.C.C. s. 255(1) (a) (i)).

22. Excludes cases where the length of probation was unknown.

23. Data cover the 10 jurisdictions consistently reporting to the survey since 2000/2001. Excluded are Manitoba, Northwest Territories and Nunavut.

24. The median elapsed time for all 13 provinces and territories in 2008/2009 was 124 days.

25. 59 *Criminal Code*, (3d) 449. In this decision, the Supreme Court affirmed the right of an accused to be brought to trial without excessive delay. Further clarification of the issue was provided by R. v. Morin (1992) 71 C.C.C. (3d) 193 (S.C.C.). The judgement in Morin suggested that an eight to ten month delay was tolerable between charges being laid and the subsequent trial in provincial court.

26. The data in this section are based on all provinces and territories for 2008/2009.

27. For analytical purposes, when a case has more than one charge, it is necessary to decide which charge will be used to represent the case. If the case includes a finding of guilt, that charge will always be considered the most serious. The most serious offence in a case with multiple guilty findings is determined based on the type of offence and the sentences imposed. See methodology section for more information on ICCS/ACCS counting procedures and most serious offence rules.

28. Although the *YCJA* is legislation governing criminal justice of young persons, there are several offences in the Act under which an adult can be charged such as: s. 136(a) inducing a young person to leave unlawfully a place of custody, s. 136(c) harbouring a young person who has left a place of custody, s. 136(d) inducing or assisting a young person to breach or disobey a term or condition of a youth sentence, etc.

29. The analysis of elapsed time for trial and non-trial cases excludes Manitoba since data on the plea of the accused are not available.

30. For the purpose of analysis in this article, a general definition of "collapsed case" has been used which may be different from how it is defined by the provinces and territories. The definition may also vary from one jurisdiction to another.

31. For more information on factors affecting case elapsed time, see J. Pereira and C. Grimes, "Case processing in criminal courts, 1999/2000." *Juristat.* Statistics Canada Catalogue no. 85-002-XPE. Vol. 22, no. 1. Ottawa.

32. Information on Ontario's "Justice On Target" initiatives is available on-line at http://www.attorneygeneral.jus.gov.on.ca/english/jot (accessed March 8, 2010). Other provincial case management initiatives in place are Newfoundland and Labrador's Report of the Task force on Criminal Justice Effectiveness, Manitoba's Pre-Trial Co-ordination Protocol, the Court Case Management Program in Alberta, and The British Columbia Justice Efficiencies Project.

33. For further information, see "Addressing Inefficiencies in the Criminal Justice Process–A Preliminary Review", by Yvon Dandurand, prepared for the BC Justice Efficiencies Project, Criminal Justice Reform Secretariat, available on the International Centre for Criminal Law Reform and Criminal Justice Policy website at http://www.icclr.law.ubc.ca/files/2009/InefficienciesPreliminaryReport.pdf (accessed March 8, 2010).

34. Under the *Young Offenders Act* (repealed in 2003), it was possible for a youth to be tried as an adult. Such matters were transferred to adult criminal court. Under the *Youth Criminal Justice Act* (April 2003), youth may be subject to adult sentencing but remain in youth court.

Definitions

Accused An accused person is someone against whom enough information exists to lay a charge in connection with a criminal incident/offence

Acquittal
Acquittal means that the accused has been found not guilty of the charges presented before the court.

Administration of justice offences
The "Administration of justice offences" category includes but is not limited to failure to appear in court, breach of a probation order, being unlawfully at large, failure to comply with an order, and "other administration of justice offences" such as corruption and disobedience, misleading justice, and perjury.

Alternative measures
Alternative measures aim to divert persons accused of less serious crimes out of the justice system. They are formalized programs through which persons who would otherwise proceed to court are dealt with through non-judicial, community-based alternatives. They offer individuals the opportunity to avoid the consequences of a criminal record. Typical alternative measures programs include personal service to a victim, financial compensation to a victim, community service, educational sessions, personal or written apologies, and essays or presentations related to the offence. Alternative measures are administered differently from one jurisdiction to another. They may be offered at the pre-charge stage, the post-charge stage, or both. The types of alternative measures assigned to an individual may vary, as do eligibility requirements.

Case (Integrated Criminal Court Survey)
A case is defined as all charges against the same person having one or more key overlapping court dates (date of offence, date of initiation, date of first appearance, date of decision, date of sentencing).

Bench warrant
A bench warrant is a court order issued against a person that allows legal authorities to arrest a person. It is often used to ensure the person's attendance at court.

Conditional sentence
With a conditional sentence of imprisonment, the execution of the prison sentence is suspended. This type of sentence can only be imposed in cases where the term of imprisonment would be less than two years, and are therefore administered by provincial and territorial correctional agencies. In terms of seriousness, it is less serious than prison but more serious than a term of probation. Like probation, conditional sentences are served in the community under supervision and often include a number of conditions restricting the movement and activities of the offender. Unlike probation, however, violation of a condition of a conditional sentence can result in immediate suspension and imprisonment of the offender.

Crimes against the person/Property crimes
Crimes against the person involve the use or threatened use of violence against a person, including homicide, attempted murder, assault, sexual assault and robbery. Robbery is considered a crime against the person because unlike other theft offences it involves the use, or threat of, violence.

Crimes against property
Involve unlawful acts to gain property, but do not involve the use or threat of violence against the person. They include offences such as break and enter, theft and fraud.

***Criminal Code* traffic offences**
The Criminal Code traffic offences category includes, but is not limited to the following offences: impaired driving, failure or refusal to provide sample (breath or blood), failure to stop at the scene of an accident and dangerous operation of a motor vehicle.

Disposed/completed charge or case (Integrated Criminal Court Survey)
A charge is considered disposed of in court when a final decision (other than guilty) has been made. If found guilty on the charge, it is considered disposed of upon sentencing.

A case is considered disposed of when all charges within the case have been disposed.

Federal statute charges/offences
Federal statute charges include offences as described in the *Criminal Code of Canada*, *Controlled Drugs and Substances Act*, *Youth Criminal Justice Act*, *Firearms Act*, *Immigration Act*, *Income Tax Act*, *Excise Act*, and any other federal statute under which charges may be laid.

Fine
When a fine is imposed, the offender is ordered to pay a specific dollar amount to the court. Unless the offender has been found guilty of an offence carrying a minimum term of imprisonment, or a maximum penalty of more than 5 years, an offender may be fined in lieu of other types of punishment.

Guilty
"Guilty" includes guilty of the charged offence, of an included offence, of an attempt of the charged offence, or of an attempt of an included offence, whether the accused pleaded guilty or was found guilty following a trial. This category also includes cases where an individual has been found guilty but was given an absolute or conditional discharge.

Imprisonment/custody
This involves a term of custody served in a provincial/territorial or federal institution. Sentences of two years or more are served in a federal penitentiary, while terms of less than two years are served in provincial/territorial correctional facilities. Sentences of 90 days or less can be served intermittently, which usually refers to serving the sentence on weekends.

Median
The median is the middle point of a distribution, when the units are arranged in increasing or decreasing order based on a quantitative variable. One-half of the group is above the median and one-half below it.

Other decisions
The "Other decisions" category includes final decisions of found not criminally responsible waived in province/territory, and waived out of province/territory. This category also includes mistrials, the court's acceptance of a special plea (e.g. autrefois acquit), cases which raise Charter arguments and cases where the accused was found unfit to stand trial following a fitness hearing. In jurisdictions not providing superior court data (i.e., Quebec, Ontario and Saskatchewan), the "other decision" category also includes charges having a committal for trial in superior court as the decision on the final appearance in provincial court.

Other sexual offences
The "other sexual offences" category includes, but is not limited to the following offences: sexual interference, sexual exploitation; voyeurism; incest; making, distributing, possessing or accessing child pornography; and child luring.

Pre-charge screening
Pre-charge screening refers to a formal process whereby a Crown prosecutor is responsible for pre-charge approval (i.e., whether a charge will be officially laid and will proceed to court). Currently in Canada, only New Brunswick, Quebec and British Columbia have such systems in place, however the thresholds for whether a charge will be laid vary in each of these provinces.

Probation
An offender sentenced to a term of probation remains in the community, but is subject to a number of conditions for the duration of the probation order. Some conditions are compulsory and apply to all offenders on probation. These include keeping the peace and appearing before the court when required to do so. The optional conditions vary from case to case, and can include performing community service, abstaining from the consumption of alcohol and attending treatment. Violating the conditions of a probation order is a criminal offence subject to possible prosecution that could result in a maximum sentence of imprisonment of two years. Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence. Probation may be supervised or unsupervised.

Residual federal statutes
Residual federal statutes refers to offences against Canadian federal statutes other than the Criminal Code of Canada, the Controlled Drugs and Substances Act and the Youth Criminal Justice Act such as the Customs Act, the Employment Insurance Act, Firearms Act, Food and Drugs Act (FDA), the Income Tax Act and the Narcotic Control Act (NCA).

Stay/withdrawn
Stay/withdrawn includes stay of proceedings, withdrawn, dismissed and discharged at preliminary inquiry. These decisions all refer to the court stopping or interrupting criminal proceedings against the accused.

Trial
A proceeding before a judge or master to examine and determine issues of law or fact.

Weapons offences
The "weapons offences" category includes, but is not limited to the following offences: unauthorized possession of a firearm or prohibited weapon, trafficking of weapons, unauthorized importing and exporting of firearms, prohibited/restricted weapon, device or ammunition; and making automatic firearms.

Table 1
Charges and cases in adult criminal court, Canada, 2008/2009

Offence category	Total charges		Total cases	
	number	percent	number	percent
Total offences	**1,161,018**	**100**	**392,907**	**100**
***Criminal Code* total**	**1,035,940**	**89.2**	**344,017**	**87.6**
Crimes against the person	**238,567**	**20.5**	**94,004**	**23.9**
Homicide	412	0.0	268	0.1
Attempted murder	591	0.1	163	0.0
Robbery	10,644	0.9	4,350	1.1
Sexual assault	8,654	0.7	4,054	1.0
Other sexual offences	8,418	0.7	2,004	0.5
Major assault	50,012	4.3	21,213	5.4
Common assault	91,353	7.9	37,237	9.5
Uttering threats	49,894	4.3	18,368	4.7
Criminal harassment	8,452	0.7	3,163	0.8
Other crimes against the person	10,137	0.9	3,184	0.8
Crimes against property	**276,395**	**23.8**	**91,923**	**23.4**
Theft	80,362	6.9	38,467	9.8
Break and enter	27,513	2.4	11,465	2.9
Fraud	66,758	5.7	14,416	3.7
Mischief	40,240	3.5	13,849	3.5
Possess stolen property	51,997	4.5	11,768	3.0
Other property crimes	9,525	0.8	1,958	0.5
Administration of justice offences	**319,473**	**27.5**	**82,573**	**21.0**
Fail to appear	24,158	2.1	5,009	1.3
Breach of probation	99,851	8.6	30,321	7.7
Unlawfully at large	7,539	0.6	2,524	0.6
Fail to comply with order	161,233	13.9	35,879	9.1
Other administration of justice offences	26,692	2.3	8,840	2.2
Other *Criminal Code* offences	**69,859**	**6.0**	**18,676**	**4.8**
Weapons offences	44,809	3.9	9,748	2.5
Prostitution	3,179	0.3	1,624	0.4
Disturb the peace	6,169	0.5	1,810	0.5
Other offences	15,702	1.4	5,494	1.4

Table 1
Charges and cases in adult criminal court, Canada, 2008/2009 (continued)

Offence category	Total charges		Total cases	
	number	percent	number	percent
***Criminal Code* traffic offences**	**131,646**	**11.3**	**56,841**	**14.5**
Impaired driving	106,835	9.2	45,068	11.5
Other *Criminal Code* traffic offences	24,811	2.1	11,773	3.0
Other federal statute offences	**125,078**	**10.8**	**48,890**	**12.4**
Drug possession	39,006	3.4	15,574	4.0
Drug trafficking	30,184	2.6	12,587	3.2
Youth Criminal Justice Act and Young Offenders Act	5,612	0.5	1,222	0.3
Other federal statutes	50,276	4.3	19,507	5.0

Note: Due to rounding, percentages may not add to 100. In Quebec, most drug offences are recorded under residual federal statutes, resulting in an undercount of drug possession and drug trafficking cases and an overcount of residual federal statute cases. Coverage for Adult Criminal Court Survey data as at 2008/2009 is estimated at 95% of adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Table 2
Cases by age of accused, adult criminal court, Canada, 2008/2009

Offence category	Total cases	Age group									
		18 to 24		25 to 34		35 to 44		45 to 54		55 plus	
	number	number	percent	number	percent	number	percent	number	percent	number	percent
Total offences	**383,846**	**117,533**	**30.6**	**107,205**	**27.9**	**87,271**	**22.7**	**51,753**	**13.5**	**20,084**	**5.2**
***Criminal Code* total**	**336,569**	**99,612**	**29.6**	**94,935**	**28.2**	**78,475**	**23.3**	**45,834**	**13.6**	**17,713**	**5.3**
Crimes against the person	**91,128**	**23,228**	**25.5**	**25,983**	**28.5**	**23,362**	**25.6**	**13,283**	**14.6**	**5,272**	**5.8**
Homicide	252	109	43.3	69	27.4	50	19.8	19	7.5	5	2.0
Attempted murder	159	59	37.1	46	28.9	28	17.6	17	10.7	9	5.7
Robbery	4,294	2,051	47.8	1,203	28.0	702	16.3	281	6.5	57	1.3
Sexual assault	3,851	765	19.9	909	23.6	1,012	26.3	666	17.3	499	13.0
Other sexual offences	1,901	290	15.3	483	25.4	530	27.9	342	18.0	256	13.5
Major assault	20,633	6,741	32.7	5,988	29.0	4,558	22.1	2,493	12.1	853	4.1
Common assault	36,185	8,231	22.7	10,592	29.3	9,825	27.2	5,445	15.0	2,092	5.8
Uttering threats	17,929	3,763	21.0	4,951	27.6	5,069	28.3	3,032	16.9	1,114	6.2
Criminal harassment	2,917	426	14.6	762	26.1	880	30.2	598	20.5	251	8.6
Other crimes against the person	3,007	793	26.4	980	32.6	708	23.5	390	13.0	136	4.5
Crimes against property	**90,297**	**29,866**	**33.1**	**25,106**	**27.8**	**20,657**	**22.9**	**11,143**	**12.3**	**3,525**	**3.9**
Theft	37,962	11,018	29.0	9,926	26.1	9,218	24.3	5,778	15.2	2,022	5.3
Break and enter	11,195	4,450	39.7	3,207	28.6	2,391	21.4	968	8.6	179	1.6
Fraud	13,986	3,929	28.1	4,382	31.3	3,473	24.8	1,689	12.1	513	3.7
Mischief	13,611	5,533	40.7	3,787	27.8	2,574	18.9	1,331	9.8	386	2.8
Possess stolen property	11,616	4,232	36.4	3,245	27.9	2,562	22.1	1,194	10.3	383	3.3
Other property crimes	1,927	704	36.5	559	29.0	439	22.8	183	9.5	42	2.2
Administration of Justice offences	**80,820**	**26,177**	**32.4**	**24,442**	**30.2**	**18,573**	**23.0**	**9,265**	**11.5**	**2,363**	**2.9**
Fail to appear	4,875	1,657	34.0	1,444	29.6	1,091	22.4	541	11.1	142	2.9
Breach of probation	29,871	9,312	31.2	9,447	31.6	7,052	23.6	3,350	11.2	710	2.4
Unlawfully at large	2,330	616	26.4	765	32.8	642	27.6	264	11.3	43	1.8
Fail to comply with order	35,104	11,501	32.8	10,241	29.2	7,936	22.6	4,216	12.0	1,210	3.4
Other administration of justice offences	8,640	3,091	35.8	2,545	29.5	1,852	21.4	894	10.3	258	3.0
Other *Criminal Code* offences	**17,823**	**6,103**	**34.2**	**4,839**	**27.2**	**3,547**	**19.9**	**2,175**	**12.2**	**1,159**	**6.5**
Weapons offences	9,556	3,583	37.5	2,537	26.5	1,675	17.5	1,119	11.7	642	6.7
Prostitution	1,584	225	14.2	426	26.9	450	28.4	290	18.3	193	12.2
Disturb the peace	1,795	687	38.3	429	23.9	359	20.0	233	13.0	87	4.8
Other offences	4,888	1,608	32.9	1,447	29.6	1,063	21.7	533	10.9	237	4.8

Table 2
Cases by age of accused, adult criminal court, Canada, 2008/2009 (continued)

Offence category	Total cases	Age group									
		18 to 24		25 to 34		35 to 44		45 to 54		55 plus	
	number	number	percent	number	percent	number	percent	number	percent	number	percent
***Criminal Code* traffic offences**	**56,501**	**14,238**	**25.2**	**14,565**	**25.8**	**12,336**	**21.8**	**9,968**	**17.6**	**5,394**	**9.5**
Impaired driving	44,821	11,062	24.7	11,171	24.9	9,613	21.4	8,311	18.5	4,664	10.4
Other *Criminal Code* traffic offences	11,680	3,176	27.2	3,394	29.1	2,723	23.3	1,657	14.2	730	6.3
Other federal statute offences	**47,277**	**17,921**	**37.9**	**12,270**	**26.0**	**8,796**	**18.6**	**5,919**	**12.5**	**2,371**	**5.0**
Drug possession	15,380	6,939	45.1	4,152	27.0	2,453	15.9	1,521	9.9	315	2.0
Drug trafficking	12,387	4,416	35.7	3,602	29.1	2,453	19.8	1,478	11.9	438	3.5
Youth Criminal Justice Act and Young Offenders Act	1,177	1,167	99.2	6	0.5	2	0.2	2	0.2	0	...
Other federal statutes	18,333	5,399	29.4	4,510	24.6	3,888	21.2	2,918	15.9	1,618	8.8
Population[1]	**26,380,345**	**3,206,673**	**12.2**	**4,502,191**	**17.1**	**4,874,087**	**18.5**	**5,275,286**	**20.0**	**8,522,108**	**32.3**

1. Population estimates as of July 2008. Coverage for Adult Criminal Court Survey data as at 2008/2009 is estimated at 95% of adult criminal court caseload.
Note: Due to rounding, percentages may not add to 100. Age is the age of the accused at the time of the offence. Excludes 9,061 (2.3%) cases where age of the accused was unknown or under 18 at the time of the offence. In Quebec, most drug offences are recorded under residual federal statutes, resulting in an undercount of drug possession and drug trafficking cases and an overcount of residual federal statute cases.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Table 3
Cases by decision, adult criminal court, Canada, 2008/2009

Jurisdiction	Total cases	Decision							
		Guilty		Stay/withdrawn		Acquittal		Other	
	number	number	percent	number	percent	number	percent	number	percent
Total	**392,907**	**260,649**	**66.3**	**114,978**	**29.3**	**12,446**	**3.2**	**4,834**	**1.2**
Newfoundland and Labrador	5,354	4,151	77.5	1,163	21.7	11	0.2	29	0.5
Prince Edward Island	1,244	942	75.7	287	23.1	9	0.7	6	0.5
Nova Scotia	12,928	8,625	66.7	3,944	30.5	273	2.1	86	0.7
New Brunswick	8,128	6,483	79.8	1,332	16.4	224	2.8	89	1.1
Quebec	67,937	51,319	75.5	6,515	9.6	8,876	13.1	1,227	1.8
Ontario	149,937	89,721	59.8	57,600	38.4	964	0.6	1,652	1.1
Manitoba	17,189	11,132	64.8	5,985	34.8	66	0.4	6	0.0
Saskatchewan	22,591	15,242	67.5	7,033	31.1	194	0.9	122	0.5
Alberta	56,614	37,070	65.5	17,752	31.4	643	1.1	1,149	2.0
British Columbia	46,472	32,760	70.5	12,222	26.3	1,105	2.4	385	0.8
Yukon	948	640	67.5	281	29.6	12	1.3	15	1.6
Northwest Territories	1,628	1,170	71.9	425	26.1	15	0.9	18	1.1
Nunavut	1,937	1,394	72.0	439	22.7	54	2.8	50	2.6

Note: Due to rounding, percentages may not add to 100. Found guilty decisions include absolute and conditional discharges. In Newfoundland and Labrador, the terms 'acquitted' and 'dismissed' are used interchangeably. Stay/withdrawn includes cases stayed, withdrawn, dismissed and discharged at preliminary inquiry. Other decisions includes final decisions of found not criminally responsible, waived in province/territory, or waived out of province/territory. This category also includes mistrials, the court's acceptance of a special plea (e.g. autrefois acquit), cases which raised Charter arguments or cases where the accused was found unfit to stand trial. In jurisdictions not providing superior court data (i.e., Quebec, Ontario, Manitoba and Saskatchewan), the other decision category includes charges having a committal for trial in superior court as the decision on the final appearance in provincial court. Information from Quebec's municipal courts (which account for approximately one quarter of federal statute charges in that province) are not yet collected. Coverage for Adult Criminal Court Survey data as at 2008/2009 is estimated at 95% of adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Table 4
Guilty cases by type of sentence, adult criminal court, Canada, 2008/2009

Offence category	Guilty cases	Type of sentence											
		Custody		Conditional sentence[1]		Probation		Fine		Restitution		Other[2]	
	number	number	percent	number	percent	number	percent	number	percent	number	percent	number	percent
Total offences	**260,649**	**89,553**	**34.4**	**11,514**	**4.4**	**117,090**	**44.9**	**78,282**	**30.0**	**7,029**	**2.7**	**132,092**	**50.7**
***Criminal Code* total**	**228,555**	**80,544**	**35.2**	**8,967**	**3.9**	**106,374**	**46.5**	**64,781**	**28.3**	**6,941**	**3.0**	**118,694**	**51.9**
Crimes against the person	**50,478**	**16,299**	**32.3**	**2,767**	**5.5**	**37,976**	**75.2**	**3,918**	**7.8**	**641**	**1.3**	**33,337**	**66.0**
Homicide	128	97	75.8	2	1.6	14	10.9	0	...	0	...	87	68.0
Attempted murder	36	29	80.6	0	...	3	8.3	1	2.8	0	...	16	44.4
Robbery	2,923	2,220	75.9	229	7.8	1,484	50.8	23	0.8	101	3.5	1,534	52.5
Sexual assault	1,773	956	53.9	270	15.2	1,211	68.3	46	2.6	6	0.3	829	46.8
Other sexual offences	1,401	865	61.7	75	5.4	1,031	73.6	84	6.0	2	0.1	662	47.3
Major assault	11,858	5,052	42.6	1,114	9.4	8,349	70.4	939	7.9	214	1.8	6,980	58.9
Common assault	19,372	2,822	14.6	562	2.9	15,522	80.1	1,726	8.9	224	1.2	15,174	78.3
Uttering threats	9,869	3,154	32.0	344	3.5	7,808	79.1	927	9.4	64	0.6	6,046	61.3
Criminal harassment	1,659	437	26.3	79	4.8	1,491	89.9	95	5.7	14	0.8	1,239	74.7
Other crimes against the person	1,459	667	45.7	92	6.3	1,063	72.9	77	5.3	16	1.1	770	52.8
Crimes against property	**61,187**	**24,623**	**40.2**	**3,530**	**5.8**	**35,150**	**57.4**	**8,922**	**14.6**	**5,720**	**9.3**	**26,193**	**42.8**
Theft	26,562	10,723	40.4	1,223	4.6	13,815	52.0	4,837	18.2	1,556	5.9	10,877	40.9
Break and enter	8,222	4,718	57.4	742	9.0	5,309	64.6	339	4.1	600	7.3	2,812	34.2
Fraud	9,790	3,338	34.1	1,007	10.3	6,349	64.9	1,131	11.6	1,591	16.3	4,398	44.9
Mischief	8,423	1,668	19.8	174	2.1	5,812	69.0	1,338	15.9	1,663	19.7	5,379	63.9
Possess stolen property	6,748	3,274	48.5	288	4.3	3,092	45.8	1,160	17.2	271	4.0	2,353	34.9
Other property crimes	1,442	902	62.6	96	6.7	773	53.6	117	8.1	39	2.7	374	25.9
Administration of justice offences	**60,077**	**27,963**	**46.5**	**1,354**	**2.3**	**20,101**	**33.5**	**14,295**	**23.8**	**304**	**0.5**	**19,962**	**33.2**
Fail to appear	2,634	1,087	41.3	48	1.8	680	25.8	797	30.3	10	0.4	943	35.8
Breach of probation	24,519	12,802	52.2	696	2.8	8,943	36.5	4,992	20.4	230	0.9	7,329	29.9
Unlawfully at large	2,075	1,700	81.9	19	0.9	360	17.3	136	6.6	2	0.1	286	13.8
Fail to comply with order	24,481	10,375	42.4	421	1.7	7,480	30.6	6,452	26.4	35	0.1	8,443	34.5
Other administration of justice offences	6,368	1,999	31.4	170	2.7	2,638	41.4	1,918	30.1	27	0.4	2,961	46.5
Other *Criminal Code* offences	**11,372**	**4,107**	**36.1**	**438**	**3.9**	**6,152**	**54.1**	**2,429**	**21.4**	**89**	**0.8**	**5,967**	**52.5**
Weapons offences	6,271	2,273	36.2	321	5.1	3,396	54.2	1,242	19.8	30	0.5	3,699	59.0
Prostitution	530	142	26.8	5	0.9	235	44.3	164	30.9	1	0.2	262	49.4
Disturb the peace	1,172	187	16.0	3	0.3	541	46.2	422	36.0	11	0.9	721	61.5
Other offences	3,399	1,505	44.3	109	3.2	1,980	58.3	601	17.7	47	1.4	1,285	37.8

Table 4
Guilty cases by type of sentence, adult criminal court, Canada, 2008/2009 (continued)

Offence category	Guilty cases	Type of sentence											
		Custody		Conditional sentence[1]		Probation		Fine		Restitution		Other[2]	
	number	number	percent	number	percent	number	percent	number	percent	number	percent	number	percent
***Criminal Code* traffic offences**	**45,441**	**7,552**	**16.6**	**878**	**1.9**	**6,995**	**15.4**	**35,217**	**77.5**	**187**	**0.4**	**33,235**	**73.1**
Impaired driving	36,233	3,437	9.5	315	0.9	3,963	10.9	31,620	87.3	72	0.2	27,960	77.2
Other *Criminal Code* traffic offences	9,208	4,115	44.7	563	6.1	3,032	32.9	3,597	39.1	115	1.2	5,275	57.3
Other federal statute offences	**32,094**	**9,009**	**28.1**	**2,547**	**7.9**	**10,716**	**33.4**	**13,501**	**42.1**	**88**	**0.3**	**13,398**	**41.7**
Drug possession	8,106	1,190	14.7	122	1.5	2,634	32.5	4,208	51.9	15	0.2	4,581	56.5
Drug trafficking	7,230	3,335	46.1	2,306	31.9	2,284	31.6	568	7.9	30	0.4	5,084	70.3
Youth Criminal Justice Act and Young Offenders Act	942	300	31.8	17	1.8	338	35.9	281	29.8	4	0.4	329	34.9
Other federal statutes	15,816	4,184	26.5	102	0.6	5,460	34.5	8,444	53.4	39	0.2	3,404	21.5

1. In 2008/2009, conditional sentencing data were not available for Quebec.
2. "Other" sentences include absolute and conditional discharge, suspended sentence, community service order and prohibition order among others.
Note: The sentence types presented are not mutually exclusive and will not add to 100. Probation totals include mandatory probation for cases given a conditional discharge (C.C.C. s.730(1)) or a suspended sentence (C.C.C. s.731(1)(a)). In Quebec, most drug offences are recorded under residual federal statutes, resulting in an undercount of drug possession and drug trafficking cases and an overcount of residual federal statute cases. Coverage for Adult Criminal Court Survey data as at 2008/2009 is estimated at 95% of adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Table 5
Guilty cases by mean and median length of custody and probation sentence, adult criminal court, Canada, 2008/2009

Offence category	Custody			Probation		
	Count	Mean	Median	Count	Mean	Median
		days			days	
Total offences	**86,044**	**118**	**30**	**113,940**	**451**	**365**
***Criminal Code* total**	**77,236**	**108**	**30**	**103,422**	**450**	**365**
Crimes against the person	**15,710**	**233**	**75**	**37,165**	**488**	**365**
Homicide	73	2,510	1,825	13	898	1,095
Attempted murder	28	2,223	1,715	3	730	730
Robbery	2,128	613	420	1,462	665	730
Sexual assault	936	505	360	1,183	686	730
Other sexual offences	851	295	150	1,009	732	730
Major assault	4,820	165	90	8,114	515	365
Common assault	2,724	49	30	15,181	399	365
Uttering threats	3,059	65	30	7,666	496	365
Criminal harassment	434	76	31	1,484	619	545
Other crimes against the person	657	349	180	1,050	602	545
Crimes against property	**23,782**	**107**	**30**	**34,425**	**443**	**365**
Theft	10,382	52	30	13,488	406	365
Break and enter	4,544	254	150	5,226	549	540
Fraud	3,238	120	50	6,237	493	365
Mischief	1,571	35	15	5,668	375	365
Possess stolen property	3,176	84	45	3,048	421	365
Other property crimes	871	143	67	758	549	540
Administration of justice offences	**26,434**	**26**	**14**	**19,077**	**391**	**365**
Fail to appear	1,078	18	6	665	356	365
Breach of probation	12,028	29	15	8,589	403	365
Unlawfully at large	1,648	33	20	353	375	365
Fail to comply with order	9,780	19	7	6,947	380	365
Other administration of justice offences	1,900	39	15	2,523	395	365
Other *Criminal Code* offences	**3,932**	**191**	**74**	**5,991**	**489**	**365**
Weapons offences	2,135	150	60	3,278	481	365
Prostitution	139	99	10	233	381	365
Disturb the peace	180	17	6	531	318	365
Other offences	1,478	281	150	1,949	561	545

Table 5
Guilty cases by mean and median length of custody and probation sentence, adult criminal court, Canada, 2008/2009 (continued)

Offence category	Custody			Probation		
	Count	Mean	Median	Count	Mean	Median
		days			days	
***Criminal Code* traffic offences**	**7,378**	**97**	**30**	**6,764**	**415**	**365**
Impaired driving	3,370	84	30	3,819	402	365
Other *Criminal Code* traffic offences	4,008	108	45	2,945	432	365
Other federal statute offences	**8,808**	**205**	**90**	**10,518**	**463**	**365**
Drug possession	1,156	21	7	2,540	319	365
Drug trafficking	3,212	288	120	2,243	437	365
Youth Criminal Justice Act and Young Offenders Act	262	12	7	312	333	365
Other federal statutes	4,178	205	102	5,423	548	540

Note: Excludes cases where length of custody or probation was not known, and cases where the length of custody was specified as indeterminant. Cases sentenced to life imprisonment were recoded to 9,125 days (25 years) for the calculation of sentence length means. Time in custody prior to sentencing is taken into consideration when imposing a sentence. The length of time in custody prior to sentencing and the extent to which it influences the sanction imposed are not available from the survey. In Quebec, most drug offences are recorded under residual federal statutes, resulting in an undercount of drug possession and drug trafficking cases and an overcount of residual federal statute cases. This table does not include data from Manitoba. Coverage for Adult Criminal Court Survey data as of 2008/2009 is estimated at 95% adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Table 6
Guilty cases by mean and median fine amount, adult criminal courts, 10 jurisdictions, 2000/2001 and 2008/2009

	2000/2001		2008/2009	
	Mean	Median	Mean	Median
Offence category	dollars		dollars	
Total offences	**938**	**500**	**1,082**	**600**
***Criminal Code* total**	**597**	**500**	**684**	**600**
Crimes against the person	**410**	**300**	**445**	**300**
Homicide	567	675	x	x
Attempted murder	x	x	x	x
Robbery	494	400	523	200
Sexual assault	725	500	555	500
Other sexual offences	386	300	400	300
Major assault	473	400	509	400
Common assault	393	300	454	400
Uttering threats	301	250	322	250
Criminal harassment	495	250	443	400
Other crimes against the person	612	300	502	300
Crimes against property	**484**	**250**	**417**	**250**
Theft	287	200	288	200
Break and enter	462	400	490	400
Fraud	474	250	923	300
Mischief	277	200	327	250
Possess stolen property	1,282	300	547	350
Other property crimes	412	300	483	300
Administration of justice offences	**245**	**200**	**284**	**200**
Fail to appear	201	150	224	200
Breach of probation	261	200	301	250
Unlawfully at large	325	250	428	300
Fail to comply with order	197	150	245	200
Other administration of justice offences	326	250	383	300
Other *Criminal Code* offences	**1,062**	**250**	**618**	**250**
Weapons offences	326	250	366	300
Prostitution	487	250	621	300
Disturb the peace	240	200	301	250
Other offences	2,627	375	1,414	250

Table 6
Guilty cases by mean and median fine amount, adult criminal courts, 10 jurisdictions, 2000/2001 and 2008/2009 (continued)

	2000/2001		2008/2009	
	Mean	Median	Mean	Median
Offence category	dollars		dollars	
***Criminal Code* traffic offences**	**751**	**700**	**929**	**1,000**
Impaired driving	762	700	948	1,000
Other *Criminal Code* traffic offences	637	500	759	600
Other federal statute offences	**2,178**	**200**	**2,946**	**300**
Drug possession	330	200	441	300
Drug trafficking	1,384	1,000	1,594	1,000
Youth Criminal Justice Act and Young Offenders Act	231	200	271	250
Other federal statutes	3,171	200	4,289	250

Notes: Excludes cases where amount of fine was not known. In Quebec, most drug offences are recorded under residual federal statutes, resulting in an undercount of drug possession and drug trafficking cases and an overcount of residual federal statute cases. Amount of fine data are presented in current dollars. This table does not include data from Manitoba, Northwest Territories, and Nunavut. Coverage for Adult Criminal Court Survey data for the ten jurisdictions is estimated at 90% adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Table 7
Completed cases in adult criminal court, 10 jurisdictions, 2000/2001 to 2008/2009

Ten jurisdictions	2000/ 2001	2001/ 2002	percent change	2002/ 2003	percent change	2003/ 2004	percent change	2004/ 2005	percent change	2005/ 2006	percent change	2006/ 2007	percent change	2007/ 2008	percent change	2008/ 2009	percent change
Total	**358,897**	**377,204**	**5.1**	**378,814**	**0.4**	**365,653**	**-3.5**	**366,351**	**0.2**	**361,459**	**-1.3**	**361,175**	**-0.1**	**373,182**	**3.3**	**372,153**	**-0.3**
Newfoundland and Labrador	6,163	6,252	1.4	5,915	-5.4	6,037	2.1	5,584	-7.5	5,065	-9.3	4,808	-5.1	5,229	8.8	5,354	2.4
Prince Edward Island	1,540	1,653	7.3	1,604	-3.0	1,448	-9.7	1,150	-20.6	1,271	10.5	1,424	12.0	1,424	0.0	1,244	-12.6
Nova Scotia	12,283	11,738	-4.4	11,957	1.9	11,574	-3.2	11,848	2.4	11,817	-0.3	11,745	-0.6	12,593	7.2	12,928	2.7
New Brunswick	8,782	8,841	0.7	8,393	-5.1	8,014	-4.5	8,112	1.2	7,555	-6.9	7,657	1.4	7,741	1.1	8,128	5.0
Quebec	63,185	64,364	1.9	65,217	1.3	65,476	0.4	65,779	0.5	67,669	2.9	68,041	0.5	66,743	-1.9	67,937	1.8
Ontario	146,550	154,229	5.2	158,226	2.6	148,714	-6.0	150,749	1.4	147,809	-2.0	149,380	1.1	151,566	1.5	149,937	-1.1
Saskatchewan	22,388	22,964	2.6	23,650	3.0	22,659	-4.2	22,871	0.9	21,410	-6.4	17,654	-17.5	22,127	25.3	22,591	2.1
Alberta	56,412	57,081	1.2	56,338	-1.3	56,750	0.7	55,867	-1.6	53,721	-3.8	54,658	1.7	56,944	4.2	56,614	-0.6
British Columbia	40,510	49,158	21.3	46,569	-5.3	44,111	-5.3	43,532	-1.3	44,247	1.6	44,906	1.5	47,819	6.5	46,472	-2.8
Yukon	1,084	924	-14.8	945	2.3	870	-7.9	859	-1.3	895	4.2	902	0.8	996	10.4	948	-4.8

Note: This trend analysis table does not include data from Manitoba, Northwest Territories, and Nunavut. Coverage for Adult Criminal Court Survey data for the ten jurisdictions is estimated at 90% adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Table 8
Median elapsed time to case completion, 10 jurisdictions, 2000/2001 to 2008/2009

Ten jurisdictions	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
	number of days								
Total	**101**	**105**	**109**	**121**	**128**	**126**	**126**	**126**	**124**
Newfoundland and Labrador	64	90	88	99	108	113	120	120	116
Prince Edward Island	1	1	6	8	36	33	30	32	30
Nova Scotia	99	108	120	134	134	125	122	120	127
New Brunswick	64	66	72	78	71	74	79	78	84
Quebec	119	129	142	167	170	182	183	175	184
Ontario	105	106	115	129	131	120	120	120	118
Saskatchewan	87	92	92	96	92	91	92	98	98
Alberta	99	94	92	99	125	120	120	128	120
British Columbia	105	95	94	110	111	111	109	109	104
Yukon	73	86	71	85	104	85	95	92	106

Note: This trend analysis table does not include data from Manitoba, Northwest Territories, and Nunavut. Coverage for Adult Criminal Court Survey data for the ten jurisdictions is estimated at 90% adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Table 9
Elapsed time in adult criminal courts by type of offence, Canada, 2008/2009

Offence category	Total cases	Mean (days)	Median (days)
	number		
Total offences	**392,907**	**229**	**124**
Total *Criminal Code*	**344,017**	**228**	**122**
Crimes against the person	**94,004**	**233**	**162**
Homicide	268	469	345
Attempted murder	163	338	274
Robbery	4,250	290	201
Sexual assault	4,054	399	304
Other sexual offences	2,004	384	280
Major assault	21,213	261	183
Common assault	37,237	188	134
Uttering threats	18,368	212	148
Criminal harassment	3,163	219	160
Other crimes against persons	3,184	281	197
Crimes against property	**91,923**	**242**	**109**
Theft	38,467	204	78
Break and enter	11,465	277	153
Fraud	14,416	356	169
Mischief	13,849	187	110
Possess stolen property	11,768	257	113
Other property crimes	1,958	260	139
Administration of justice offences	**82,573**	**187**	**75**
Fail to appear	5,009	295	95
Breach of probation	30,321	160	60
Unlawfully at large	2,524	144	25
Fail to comply with order	35,879	190	81
Other administration of justice offences	8,840	215	120
Other *Criminal Code* offences	**18,676**	**273**	**154**
Weapons offences	9,748	249	166
Prostitution	1,624	342	107
Disturb the peace	1,810	163	78
Other offences	5,494	333	196

Table 9
Elapsed time in adult criminal courts by type of offence, Canada, 2008/2009 (continued)

Offence category	Total cases	Mean (days)	Median (days)
		number	
***Criminal Code* traffic offences**	**56,841**	**242**	**150**
Impaired driving	45,068	237	147
Other *Criminal Code* traffic offences	11,773	261	158
Other federal statute offences	**48,890**	**237**	**133**
Drug possession	15,574	150	85
Drug trafficking	12,587	328	223
Youth Criminal Justice Act	1,222	123	63
Other federal statutes	19,507	256	134

Note: Coverage for Adult Criminal Court Survey data as at 2008/2009 is estimated at 95% of adult criminal court caseload.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.